

104TH CONGRESS
2D SESSION

H. R. 4344

To amend title 10, United States Code, to provide that a member of the Armed Forces who is diagnosed as being HIV-positive within one year of entering military service shall be considered to have entered the Armed Forces under a fraudulent enlistment or appointment.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 1996

Mr. DORNAN introduced the following bill; which was referred to the
Committee on National Security

A BILL

To amend title 10, United States Code, to provide that a member of the Armed Forces who is diagnosed as being HIV-positive within one year of entering military service shall be considered to have entered the Armed Forces under a fraudulent enlistment or appointment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MANDATORY SEPARATION OF**
2 **SERVICEMEMBERS DIAGNOSED WITH HIV-1**
3 **VIRUS WITHIN ONE YEAR OF ENTERING**
4 **SERVICE.**

5 (a) REENACTMENT AND MODIFICATION.—(1) Chap-
6 ter 59 of title 10, United States Code, is amended by in-
7 serting after section 1176 the following new section:

8 **“§ 1177. Members diagnosed as being infected with**
9 **HIV-1 virus within one year of entering**
10 **service: discharge for fraudulent enlist-**
11 **ment or appointment**

12 “(a) MANDATORY SEPARATION.—A member of the
13 Army, Navy, Air Force, or Marine Corps who within one
14 year after the date of the member’s testing (as part of
15 the physical examination given the member in connection
16 with the first entrance of the member onto active duty)
17 for infection with the virus known as Human
18 Immunodeficiency Virus-1 (HIV-1) is medically deter-
19 mined to be HIV-positive shall be immediately discharged
20 on the basis of having entered service under a fraudulent
21 enlistment or appointment.

22 “(b) HIV-POSITIVE MEMBERS.—A member shall be
23 considered to be HIV-positive for purposes of this section
24 if there is serologic evidence that the member is infected
25 with the virus known as Human Immunodeficiency Virus-
26 1 (HIV-1), the virus most commonly associated with the

1 acquired immune deficiency syndrome (AIDS) in the Unit-
 2 ed States. Such serologic evidence shall be considered to
 3 exist if there is a reactive result given by an enzyme-linked
 4 immunosorbent assay (ELISA) serologic test that is con-
 5 firmed by a reactive and diagnostic immunoelectrophoresis
 6 test (Western blot) on two separate samples. Any such se-
 7 rologic test must be one that is approved by the Food and
 8 Drug Administration.”.

9 (2) The table of sections at the beginning of chapter
 10 59 of such title is amended by inserting after the item
 11 relating to section 1176 the following new item:

“1177. Members diagnosed as being infected with HIV-1 virus within one year
 of entering service: discharge for fraudulent enlistment or ap-
 pointment.”.

12 (b) EFFECTIVE DATE.—Section 1177 of title 10,
 13 United States Code, as added by subsection (a), applies
 14 with respect to members of the Army, Navy, Air Force,
 15 and Marine Corps determined to be HIV-positive before,
 16 on, or after the date of the enactment of this Act.

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